



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

MELODIE SHULER; M.K.D.; M.T.S.D., §
Plaintiffs, §
§
vs. §
§
STATE OF SOUTH CAROLINA; §
ORANGEBURG COUNTY SHERIFF'S §
DEPARTMENT; SHERIFF LEROY §
RAVENELL; CAPTAIN ANTONIA §
TURKVANT; CHIEF KENNETH KINSEY; §
CAPTAIN LACREA JENKINS; §
LIEUTENANT COYLER; SERGEANT §
ALLEN HUNTER; ORANGEBURG COUNTY §
SHERIFF'S DEPUTIES; FRANKLIN §
A. WILLIAMS; MICHAEL LAWRENCE; §
JOHN STUKE; DEREK HOWELL; §
ANDRE BRISBON; CHRIS POWELL; §
CARLENE JENKINS; CALVIN HALL; §
LAQUETTA SUMPTER; SAMUEL DAILY; §
DERRICK DASH; DIANE GOODSTEIN; §
WINNIFA B. CLARK; SOUTH CAROLINA §
LAW ENFORCEMENT DIVISION; §
OFFICER LAWRENCE WIGGINS; NORTH §
CHARLESTON POLICE DEPARTMENT; §
CHIEF EDDIE DRIGGERS; SERGEANT §
RONALD WEBB; OFFICER CLARENCE §
HABERSHAM; JUSTIN INFINGER; §
OFFICER JUSTICE JENKINS; SOUTH §
CAROLINA DEPARTMENT OF SOCIAL §
SERVICES; SYLVIA MITCHUM; TRACI §
ALTER; MICHELE BLUE; GILLUM; ONE §
UNKNOWN INDIVIDUAL; SIX UNKNOWN §
DSS WORKERS, §
Defendants. §
§

Civil Action No. 5:19-088-MGL-PJG

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFFS M.K.D. AND M.T.S.D. FROM THE ACTION**

This action arises under 42 U.S.C. § 1983. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the minor plaintiffs, M.K.D. and M.T.S.D., be dismissed from this action because the Magistrate Judge provided Plaintiff Melodie Shuler (Shuler) with the opportunity to retain counsel for her minor children but she failed to do so. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on April 4, 2019, ECF No. 15, but Shuler failed to file any objection to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Shuler's minor children, M.K.D. and M.T.S.D., are **DISMISSED** from this action.

IT IS SO ORDERED.

Signed this 2nd day of May 2019 in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.